IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1022 OF 2005
IN
EXECUTION APPLICATION NO.183 OF 2004
IN
SUM.SUIT NO.1510 OF 2002

M/s.G.M.Breweries Ltd. ..Plaintiff.

V/s.

M/s.Siddhivinayak Builders & Anr...Defendants.

And

UCO Bank. ..Intervenor/-Obstructionist.

Mr.O.A.Das for Judg.Creditor.

Ms. Rumana Bagdad i/b Ms.Sumedha Rao for applicant.

CORAM: A.M.KHANWILKAR,J

DATE : OCTOBER 5, 2005.

P.C. :

1. Heard counsel for the parties. Counsel appearing for the Judgment Creditor fairly states that in view of the documents filed on record, it appears that the applicant has become owner of Flat No.A-304, in building known as "Venus", Chikuwadi, Borivali(West),Mumbai 400 092, much before the order of attachment was passed; for which reason, decree passed against the defendant cannot be executed against the applicant as the applicant is not party to the proceedings. In the circumstances, the

Judgment Creditor agrees that the chamber summons be made absolute only with regard to the claim of the applicant.

2. Accordingly, chamber summons is made absolute in terms of prayer clause (b) only with regard to the premises being flat No.A-304, situated at building "Venus" referred to above. In other words, warrant of attachment in respect of the above said premises is set aside and recalled and attachment regarding the remaining building shall operate subject to other orders to be passed by the court. No order as to costs.